

APR 2 0 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sandgaard, et al. Serial No.: 10/772.853

Serial No.: Filed:

10/772,853 February 5, 2004

For:

ELECTROMYOGRAM-

TRIGGERED NEUROMUSCULAR STIMULATION DEVICE AND

METHOD

Confirmation No.

6536

Group Art Unit:

3762

Examiner: Attorney Docket: Greene, D. 007189-05

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, along with any other document referred to as being attached or enclosed, is being filed via facsimile to facsimile number 571-273-8300 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 20 2006

Marilyn J. Morris

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE AFTER FINAL 37 C.F.R. 1.116

Dear Sir:

This Amendment and Response is filed in response to the Final Office Action mailed from the USPTO February 10, 2006. Along with the Amendment and Response a Notice of Appeal is enclosed for filing. Enclosed is a credit card payment form authorizing payment of \$250.00 for a Notice of Appeal for a small entity. In the event that additional fees are deemed necessary, the undersigned authorizes the charge to be applied to Deposit Account No. 50-2679.

Claim amendments begin on Page 2.

Remarks begin on Page 8.

Please reconsider the Application as follows:

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Amendment & Response
Attorney Docket Number: 007189-05

US Serial No: 10/772,853